

1 Stacy Scheff
2 LAW OFFICE OF STACY SCHEFF
3 P.O. Box 40611, Tucson, AZ 85717-0611
4 (520) 471-8333 • FAX (520) 300-8033
stacy.scheff@gmail.com
State Bar No. 028364
Counsel for Plaintiff

5 **DISTRICT COURT FOR THE UNITED STATES**
6 **DISTRICT OF ARIZONA**

7 Keith Raniere,

8 Plaintiff,

9 v.

10 Merrick Garland, US Attorney General;
11 Colette Peters, Director Federal Bureau of
12 Prisons; Unknown Current Warden USP
Tucson, Anthony Gallion (all in their
official capacities),

13 Defendants

Case No.:

COMPLAINT
(Prospective relief only)
(Hearing requested)

- 14 **1.** This is an action for narrow injunctive and declaratory relief for Plaintiff Keith
15 Raniere, a prisoner in the U.S. Penitentiary in Tucson Arizona (“USP Tucson”).
16 Plaintiff seeks an order enjoining prison officials from retaliating for
17 constitutionally protected activities, and from actively frustrating and impeding his
18 First and Sixth Amendment rights to access to the courts and counsel.

19 **JURISDICTION AND VENUE**

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21 **2.** This Court has subject-matter jurisdiction under the First and Sixth Amendments
22 to the United States Constitution, and 28 U.S.C. § 1331 (federal question
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jurisdiction), as Plaintiff seeks to enjoin practices and malpractices that amount to violations of the First and Sixth Amendments to the U.S. Constitution.

3. This Court has jurisdiction under 28 U.S.C. § 2201 to declare the rights of the respective parties.
4. This Court has jurisdiction under 5 U.S.C. §702, 28 U.S.C. § 2202, and Rule 65 of the Federal Rules of Civil Procedure to grant preliminary injunctive relief for the constitutional violations alleged herein.
5. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events and omissions giving rise to this action occurred in the District of Arizona.

PARTIES

6. The Plaintiff Keith Raniere is and was at all relevant times, a federal inmate at USP Tucson.
7. Defendant Merrick Garland is the Attorney General of the United States and the head of the United States Department of Justice. BOP is an agency of the United States Department of Justice. As such, Defendant Garland has ultimate authority over BOP decisions, including policy decisions regarding USP Tucson, and the promulgation of BOP regulations. See 18 U.S.C. § 4042. Garland has affirmatively maintained the policy of allowing Wardens to retaliate against individual prisoners based on personal animus and not supported by any legitimate penological purpose. Defendant Garland's place of work is located in Washington, DC. Defendant Garland is sued in his official capacity.

1 **8.** Defendant Peters is Director of the BOP. Defendant Peters exercises authority over
2 all BOP determinations. Defendant Peters has affirmatively carried out the policy
3 of allowing Wardens to retaliate against individual prisoners based on personal
4 animus and not supported by any legitimate penological purpose. See 18 U.S.C.
5 §§ 4041, 4042. Defendant Peters' place of work is located in Washington, DC.

6 Defendant Peters is sued in her official capacity.

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8 **9.** Defendant Unknown Warden ("USP Tucson Warden") is and was the Warden of
9 USP Tucson at all relevant times.¹ Defendant USP Tucson Warden made the
10 affirmative decision to interfere with Plaintiff's First and Sixth Amendment rights
11 by endorsing the actions of previous wardens who violated Plaintiff's First and
12 Sixth Amendments to the U.S. Constitution. Defendant USP Tucson Warden also
13 endorsed and/or caused a pattern of retaliating against Plaintiff for exercising his
14 First and Sixth Amendment rights Defendant USP Tucson Warden is sued in their
15 official capacity.

16 **10.** Defendant Anthony Gallion was a Lieutenant at USP Tucson. Defendant Gallion
17 made the affirmative decision to "scrub" Plaintiff's approved callers and visitors
18 list, to include attorneys and their agents. Gallion is sued in his official capacity.
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22 ¹Information about the name of the person currently holding the position of Warden at
23 USP Tucson is not currently available. As soon as the information is available, the name
24 will be used. F.R.Civ.P. 25(d) provides for substitution when an official capacity party
 leaves office.

1 **11.** Plaintiff has exhausted or has been prevented by BOP staff from exhausting his
2 administrative remedies related to the allegations of First Amendment retaliation
3 and Sixth Amendment interference with counsel.

4 **FACTS**

5 **12.** Plaintiff is incarcerated at USP Tucson, serving a sentence of 120 years for, among
6 other things, purportedly taking twenty-two photographs in 2005 that the
7 prosecution claimed were child pornography. *U.S. v. Ranieri*, US District Court,
8 Eastern District of New York, 1:18-CR-00204-NGG-VMS.

9 **13.** Mr. Ranieri is adamant that he is innocent of all charges, and that they were based
10 on falsified evidence. Six forensics experts have concluded that the photographic
11 evidence was extensively staged, including manipulation of folder names and
12 photo dates and the planting of photos on a hard drive. The experts are Former FBI
13 Special Agent Dr. James Richard Kiper, Former FBI Senior Forensic Examiner
14 Stacy Eldridge, Former FBI Forensic Examiner William Odom, Steve Abrams,
15 Stephen Bunting, Wayne Norris, and Professor Alan Dershowitz. In an October
16 press conference regarding these allegations, Professor Alan Dershowitz stated,
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18 If this alleged FBI malfeasance turns out to be true, as our
19 experts say it is, then this is really historic. This is really an
20 attempt to frame somebody based on manipulation of data.
21 That's just unacceptable in an American court and in the
22 American legal system.

23 **14.** The criminal case has been the subject of significant mainstream and social media
24 attention, in part due to the many high-profile individuals who were involved in
his self-help organization NXIVM, including Edgar Bronfman, Sr. (former CEO

1 of the Seagram's Company) and his two daughters Clare and Sara, several well-
2 known Hollywood actresses including Nicole Clyne and Allison Mack, and
3 prominent families and individuals in Mexican politics.

4 **15.** Among the "Special Conditions of Supervision" upon his supervised release, Mr.
5 Raniere is prevented from associating "with any individual with an affiliation to
6 Executive Success Programs, NXIVM, DOS, or any other NXIVM affiliated
7 organizations...".
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9 **16.** The Conditions of Supervision do not take effect until Mr. Raniere is released
10 from custody upon the termination of his sentence.

11 **17.** NXIVM was a corporation founded by Plaintiff that offered personal development
12 courses, also known as "coaching" to nearly 17,000 people in the time it existed.

13 **18.** The level of involvement with NXIVM among these individuals varied from brief
14 interactions with members, to taking a class, all the way to being business partners
15 with Plaintiff.

16 **19.** The Conditions of Supervision do not distinguish between these distinctly
17 different levels of "affiliation" to NXIVM.
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19 **Suneel Chakravorty – Plaintiff's Power-of-Attorney Banned**

20 **20.** Mr. Chakravorty first met Mr. Raniere in approximately June of 2017, when he
21 enrolled in a coaching program to be coached by NXIVM teachers.

22 **21.** Mr. Chakravorty attended the entirety of Mr. Raniere's criminal trial in the Eastern
23 District of New York.

24 **22.** Mr. Chakravorty is not a witness, co-conspirator, or co-defendant in the case.

1 **23.** Mr. Chakravorty got to know Mr. Raniere more personally after the criminal trial,
2 which ended in his conviction in June of 2019.

3 **24.** After the trial concluded, Mr. Raniere was housed at the Metropolitan Detention
4 Center in Brooklyn NY (“MDC”).

5 **25.** In September of 2019, Mr. Raniere wrote to his partner, and mother of his child,
6 Marianna via the monitored email system for federal prisoners, “TRULINCS”.
7 (Doc. 14-4, pp. 3-4).

8 **26.** In the email, Mr. Raniere asserted his innocence, and expressed his sincere belief
9 that the wealthy and powerful people who had been members of NXIVM, but later
10 disliked him, had used their influence to have him prosecuted, convicted, and
11 imprisoned. (Doc. 14-4, pp. 3-4).

12 **27.** In the email, Mr. Raniere expressed a need for an advocate to help him expose the
13 injustices of his conviction. (Doc. 14-4, pp. 3-4).

14 **28.** Mr. Chakravorty turned out to be such an advocate.

15 **29.** From September of 2019 to February 2020, Mr. Chakravorty visited Mr. Raniere
16 every week that visitation was available at the MDC.

17 **30.** Mr. Raniere and Mr. Chakravorty shared their observations about Plaintiff’s
18 criminal case.

19 **31.** Mr. Raniere and Mr. Chakravorty discussed potential theories regarding those
20 convictions.
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1 **32.** From September of 2019 until January of 2020, Mr. Chakravorty was approved,
2 and visited Plaintiff when Plaintiff was housed at Metropolitan Detention Center
3 (“MDC”) in New York.

4 **33.** Between the jury’s verdict and the court’s sentence, Mr. Raniere continued to
5 regularly contact people affiliated with NXIVM, including Suneel Chakravorty,
6 and the government informed the judge of that fact in its sentencing memorandum.
7 *United States v. Raniere*, Case No. 1:18-CR-00204-NGG-VMS, Dkt. 914 (E.D.
8 N.Y. August 27, 2020). (Doc. 14, p.2)

9 **34.** On these calls, which were recorded, transcribed, and included in the criminal
10 Sentencing Memorandum, Mr. Raniere expressed his sincerely held belief that his
11 conviction and sentence were not supported by the evidence, and that corruption
12 was involved. [Dkt. 914-3 at 44.] (Doc. 14, p.2).

13 **35.** On March 12, 2020, Mr. Chakravorty was on a call with Mr. Raniere. Chakravorty
14 recorded Mr. Raniere speaking for a podcast.

15 **36.** On April 6, 2020, Mr. Chakravorty had a call with Mr. Raniere where they
16 discussed a competition which encouraged the public to review Mr. Raniere’s
17 conviction and see if they could find evidence of corruption in order to win money
18 prizes. (Doc. 14-4, p. 3).

19 **37.** On April 8, 2020, Mr. Chakravorty had a call with Mr. Raniere where they
20 discussed having an important pundit like Alan Dershowitz speak out against the
21 conviction. (Doc. 14-4, p.54)
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1 **38.** Neither Mr. Raniere nor Mr. Chakravorty was ever charged with any crime for the
2 contents of these calls.

3 **39.** When visitation was suspended due to COVID-19, Mr. Chakravorty continued to
4 be allowed to have phone calls with Plaintiff at MDC.

5 **40.** On July 16, 2020, an Intelligence Analysis in the Bureau's Counter Terrorism Unit
6 (CTU) drafted a memorandum seeking to block all contact between Raniere and
7 Suneel Chakravorty due to behavior that allegedly compromised the security of the
8 facility in which Plaintiff was then held, the Metropolitan Detention Center in
9 Brooklyn, New York (MDC Brooklyn).
10

11 **41.** On information and belief, this was done in retaliation for Mr. Raniere's
12 expression of his disdain for how his case was handled within the justice system,
13 and his allegation of government corruption in his case, which is protected by the
14 First Amendment.

15 **42.** The reasons cited for claiming that Mr. Chakravorty was a threat to security were
16 all protected, First Amendment activities: "Specifically, Raniere and Suneel
17 Chakravorty were recording prison-initiated telephone calls to use for podcasts
18 and "interviews [Raniere] is pursuing to use in HBO, Netflix and Showtime."
19 Additionally, they were endangering the security of the facility and the public by
20 organizing "a group of women to show up regularly and dance provocatively by
21 inmates to view through their cell windows." Raniere "directed Suneel
22 [Chakravorty] to contact more women" to "danc[e] erotically" which led to a
23 request for Plaintiff to be moved to another housing unit. Plaintiff also informed
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1 Suneel Chakravorty about “the staff work schedules and indicated his protesters
2 should wait outside for the staff and offer donuts and coffee as they exit the
3 facility” because “we are all in this together.”” Doc. 14-5, p.3. (internal citations
4 omitted).

5 **43.** On August 27, 2020, Mr. Raniere was sentenced to 120 years in federal prison.
6 [Dkt. 914] (Doc. 14-3, p.2)
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8 **44.** In January of 2021, Mr. Raniere was transferred to USP Tucson.

9 **45.** Prior to his sentencing in October 2020, Mr. Raniere asked Mr. Chakravorty if he
10 would agree to be Power of Attorney for all public relations, legal, personal, and
11 financial matters in the event that Mr. Raniere went to prison for a long period of
12 time.

13 **46.** In January of 2021, Mr. Chakravorty signed a contract to act as Power of Attorney
14 for Mr. Raniere.

15 **47.** As Power of Attorney, Mr. Chakravorty stands in Plaintiff’s shoes in public
16 relations, personal, financial, and legal matters, and can make decisions as though
17 he were Mr. Raniere. *See generally, Uniform Power-of-Attorney Act.*²
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19 **48.** Mr. Chakravorty takes this responsibility very seriously, and always makes sure
20 that the decisions he makes are the decisions that Mr. Raniere wants to be made.

21 **49.** It is impossible for Mr. Chakravorty to carry out his duties as Power of Attorney
22 effectively without regularly communicating with Mr. Raniere.

23 ²[https://www.uniformlaws.org/committees/community-home?](https://www.uniformlaws.org/committees/community-home?CommunityKey=b1975254-8370-4a7c-947f-e5af0d6cb07c)
24 [CommunityKey=b1975254-8370-4a7c-947f-e5af0d6cb07c](https://www.uniformlaws.org/committees/community-home?CommunityKey=b1975254-8370-4a7c-947f-e5af0d6cb07c) Accessed 12/16/2022

1 **50.** On Mr. Raniere’s behalf, Mr. Chakravorty hired experts (first wave) to investigate
2 digital evidence used to secure the conviction.

3 **51.** The first-wave experts provided Mr. Chakravorty with information called
4 “metadata” about the files in a spreadsheet format, such as the file names, dates,
5 and times. This metadata did not contain visual content of any photographs.

6 **52.** Using his background as a graduate from Harvard College trained in math and data
7 analysis, Mr. Chakravorty performed a preliminary analysis of the metadata used
8 to convict Plaintiff of the child pornography-related charges.

9 **53.** In Mr. Chakravorty’s capacity as his Power of Attorney, Mr. Raniere and Mr.
10 Chakravorty spoke about this information and analysis for months.

11 **54.** As Power of Attorney, Mr. Chakravorty found three additional qualified experts
12 (second-wave), on Mr. Raniere’s behalf, to analyze the information and to
13 rigorously and skeptically examine the preliminary information and findings.

14 **55.** The second-wave experts concluded that the anomalies that had been uncovered
15 could only be explained by deliberate manipulation and forgery.

16 **56.** The preliminary reports generated by the experts’ conclusions during these
17 processes were presented to Mr. Raniere’s legal team, including attorney Joseph
18 Tully.

19 **57.** The second-wave expert reports convinced attorney Tully to draft and file a Rule
20 33 motion to reopen his criminal case.
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1 **58.** Mr. Chakravorty's role in orchestrating the analysis of this information has given
2 him personal, intimate knowledge of the technical and esoteric facts vital to Mr.
3 Ranieri's challenge to his convictions.

4 **59.** Mr. Chakravorty's subject matter expertise of data analysis allowed him to
5 translate between these two worlds: one is the highly technical world of forensic
6 data analysts and the other is the world of Plaintiff's legal team.

7 **60.** Mr. Chakravorty's personal knowledge of the facts of this case allows him to
8 translate concepts, and facilitate streamlined communications between Mr.
9 Ranieri, the experts, and the legal team.

10 **61.** Since the advent of the expert opinions, Mr. Chakravorty's role has evolved into
11 both paralegal for, and manager of the legal team, working to overturn the
12 conviction of his criminal case, based on what Mr. Chakravorty, Mr. Ranieri,
13 members of his legal team, and renowned experts believe to have been extensive
14 government corruption in his case. Attorney Joseph Tully has confirmed this
15 position in writing to the BOP.

16 **62.** As paralegal and legal manager, Mr. Chakravorty will be helping the attorneys and
17 experts during the post-conviction proceedings.

18 **63.** Additionally, Mr. Chakravorty is involved in other matters pertaining to Plaintiff's
19 financial and legal matters.

20 **64.** The estate of Mr. Ranieri's deceased partner, Pamela Caftriz, is currently in
21 probate.
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1 **65.** Mr. Chakravorty acts on Plaintiff's behalf, as Power of Attorney, to represent his
2 interests in that matter.

3 **66.** Mr. Chakravorty also communicates with the mother of Mr. Raniere's son in
4 matters regarding their son and Plaintiff's interest in Mexico.

5 **67.** Defendant USP Tucson Warden does not recognize Plaintiff's Mexican attorney
6 Jorge de la Garza as an attorney for the purposes of legal calls and/or visits,
7 therefore Mr. Chakravorty is currently the only person who can represent
8 Plaintiff's interests in Mexico.

9 **68.** Despite being blocked from speaking with Mr. Chakravorty at MDC, Plaintiff was
10 allowed to call and visit with Mr. Chakravorty at USP Tucson initially.

11 **69.** On May 2, 2021, during visitation with Plaintiff, Mr. Chakravorty had his visit
12 abruptly terminated and his visitation privileges permanently revoked by the
13 Warden of USP Tucson.

14 **70.** Nicole Clyne was also present at the visit, but was not removed from the visit
15 when Chakravorty was.

16 **71.** Officer Stengl explained to Chakravorty that the reason for the visitation privileges
17 being revoked was the lack of an established relationship with Plaintiff.

18 **72.** Stengl accused Chakravorty of lying about the length of his relationship with Mr.
19 Raniere on his application for visitation.

20 **73.** Chakravorty appealed this decision to the Warden. Chakravorty explained that, in
21 his application he stated that he had known Mr. Raniere for over three years. In
22 terminating the visitation, the unit manager referred to a blog post where
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Chakravorty stated that he met Mr. Ranieri after the trial. The unit manager assumed that Chakravorty was lying about the length of his relationship with Mr. Ranieri. Mr. Chakravorty explained that the misunderstanding was due to the different phases of the friendship between the two men, and the different meanings of the word “met”: Chakravorty had participated in coaching classes presented by NXIVM, where he met Plaintiff in Plaintiff’s capacity as founder of NXIVM; Chakravorty then attended the trial; after the trial, they developed a closer relationship.

74. An unidentified individual responded to Mr. Chakravorty’s appeal:

According to records, an article you authored was published on December 28, 2020, titled “A Different View of USA v. Keith Ranieri”. In this article you specifically state, “The first time I met Keith was after his trial, in his prison setting.” On your Visitor Information form under question 9, “Did you know the person prior to his current incarceration?”, you checked “yes”. Additionally, under the question 10, “Indicate the length of time you have known this person and where the relationship developed”, you wrote, “3 years, Albany and Brooklyn, NY” This information on your Visitation Form, dated February 15, 2021, contradicts the information you posted/published regarding your relationship with inmate Ranieri.

According to Bureau of Prison Program Statement 5267.09, Visiting Regulations, dated September 8, 2020, “Visiting privileges shall be extended to friends and associates having an established relationship **prior to confinement.**” Additionally, “Any violation of the institution’s visiting procedures may result in termination of the visit and/or disciplinary action. As soon as staff became aware of this information, your visiting privileges with inmate Ranieri were terminated.

1 75. On information and belief, Mr. Chakravorty was removed from the visit and
2 banned from further visits as retaliation for coordinating experts to support Mr.
3 Raniere's challenge to his conviction, and to frustrate his ability to develop and
4 file post-conviction relief petitions.

5 76. Curiously, after being banned from visitation, Mr. Chakravorty was still permitted
6 to speak receive phone calls from Mr. Raniere for a year.

7 77. 28 CFR § 540.45 states: An inmate who was engaged in a business or profession
8 prior to commitment is expected to assign authority for the operation of such
9 business or profession to a person in the community. Pretrial inmates may be
10 allowed special visitors for the purpose of protecting the pretrial inmate's business
11 interests. In those instances where an inmate has turned over the operation of a
12 business or profession to another person, there still may be an occasion where a
13 decision must be made which will substantially affect the assets or prospects of the
14 business. The Warden accordingly may permit a special business visit in such
15 cases. The Warden may waive the requirement for the existence of an established
16 relationship prior to confinement for visitors approved under this paragraph.

17 78. 28 CFR § 543.16 states: Other paralegals, clerks, and legal assistants. (a) The
18 Bureau of Prisons recognizes the use of assistants by attorneys to perform legal
19 tasks and, with proper controls and exceptions enumerated in this section and in
20 part 540 of this chapter, accords such assistants the same status as attorneys with
21 respect to visiting and correspondence.
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24 **"Send Her My Love", & 97 Days in the SHU - Nicole Clyne is Banned**

1 **79.** Nicole Clyne has been a close personal friend of Mr. Raniere's for over 15 years.

2 **80.** In November of 2019, Mr. Raniere corresponded with Nicole Clyne via
3 TRULINCS email. Mr. Raniere expressed his sincere belief that the underlying
4 purpose of the secret sorority "DOS" that was created by several women in
5 NXIVM with the guidance of Mr. Raniere, was morally sound. (Doc. 14-4, pp. 5-
6 9).

7 **81.** Nicole Clyne was a founding member of DOS, along with seven other women,
8 and shares Mr. Raniere's belief in the moral underpinnings of the group. Ms.
9 Clyne welcomed the opportunity to discuss the philosophical and practical purpose
10 of DOS with Mr. Raniere, as both feel that it has been grossly misrepresented by
11 the media.
12

13 **82.** Nicole Clyne was never indicted for any crimes.

14 **83.** In the summer of 2020 when prisons were on 24/7 lockdown due to COVID, Ms.
15 Clyne started an outreach program for inmates and their families. Since then, she
16 has spoken to many inmates at different facilities across the BOP to provide
17 support and a connection to the outside.
18

19 **84.** For over two years, Ms. Clyne has spoken to several inmates across the BOP who
20 lack support from family and friends, without incident.

21 **85.** Nicole Clyne was approved for visitation at both the Metropolitan Detention
22 Center in New York and initially at the USP in Tucson.
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1 **86.** On information and belief, the USP Tucson Warden was aware of Ms. Clyne's
2 widely-publicized prior involvement with NXIVM and DOS, and approved the
3 visitation anyway.

4 **87.** In January of 2021, Mr. Raniere was transferred to USP Tucson.

5 **88.** In May of 2021, Nicole Clyne was visiting Mr. Raniere regularly in Tucson.

6 **89.** On July 20, 2021, Mr. Raniere attended a restitution hearing where the bench and
7 bar had a heated exchange that received publicity.³

8 **90.** Only two days later, on July 22, 2021, Mr. Raniere was given a disciplinary ticket
9 for Disruptive Conduct, Mail Abuse, and Phone Abuse for asking Mr. Brooks to
10 send his love to Nicole.

11 **91.** On information and belief, this disciplinary ticket was a pretense for retaliation
12 against Mr. Raniere for the media attention that the restitution hearing produced.

13 **92.** Ms. Clyne had been helping inmate Tim Brooks with various issues for
14 approximately two weeks before the communications were cut off.

15 **93.** On July 24, 2021, two days after the ticket was issued, astonishingly, Mr. Raniere
16 was allowed an in-person visit with Ms. Clyne.
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21 ³<https://www.nydailynews.com/new-york/ny-keith-raniere-lawyer-mark-fernich-threaten-arrest-nicholas-garaufis-20210720-vhfxgpo5arfyyhb5abllrotzw5i-story.html>;

22 <https://abovethelaw.com/2021/07/give-him-this-to-go-cry-federal-judge-says-during-yelling-match-with-sex-cult-lawyer/>;

23 <https://nypost.com/2021/07/20/nxivm-leader-keith-raniere-ordered-to-pay-almost-3-5m-to-victims/>

1 **94.** After the visit on July 24, 2021, Ms. Clyne was banned from visiting or
2 communicating with Mr. Raniere.

3 **95.** Ms. Clyne was never given an explanation for this.

4 **96.** Mr. Raniere was told that the offending communication was asking Mr. Brooks to
5 “send her my love” when speaking with Ms. Clyne.

6 **97.** On information and belief, this does not violate any policy, or threaten the safe
7 and secure operation of the institution.

8 **98.** Mr. Raniere was placed in the Special Housing Unit (“SHU”) during the
9 investigation.

10 **99.** The SHU is extremely restrictive and unpleasant regardless of whether the
11 placement is administrative or punitive.

12 **100.** SHU inmates only receive one hour, at most, of recreation on weekdays,
13 alone (or with 1-3 others) in a cage, instead of having access to a general
14 population recreation yard.

15 **101.** SHU inmates eat their meals in their cells instead of in the dining hall.
16 Visits with friends, family, or attorneys are done in shackles and belly chains.

17 **102.** SHU inmates are shackled any time they leave their cell, with hands-on
18 officer escorts.

19 **103.** The shackles are frequently painful and cut into the skin on the wrists and
20 ankles.

21 **104.** SHU inmates are given one extra set of clothing, and must wash their own
22 clothes in the cell sink or toilet, and hang it up to dry.
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1 **105.** If SHU inmates are caught hanging clothes up to dry, they are given a
2 disciplinary ticket and recreation time is cancelled for the day.

3 **106.** The disciplinary hearing report states that Mr. Raniere was trying to
4 communicate with “un-indicted co-conspirator” Clyne via Mr. Brooks.

5 **107.** On information and belief, the Defendants are aware that Ms. Clyne is
6 innocent of any criminal wrongdoing, but intentionally use the label of “un-
7 indicted co-conspirator” in order to unfairly and improperly vilify Ms. Clyne
8 without the due process of having to prove any criminal conduct.

9 **108.** Prior to the July 22, 2021 incident, however, Mr. Raniere was able to
10 communicate directly with Ms. Clyne for months, and she was permitted to visit
11 two days later, on July 24, 2021. Therefore there would be no need to
12 communicate through Mr. Brooks.

13 **109.** On information and belief, the USP Tucson Warden was aware that Mr.
14 Raniere, Ms. Clyne, and Mr. Brooks were speaking to each other and had no
15 objection to it until July 22, 2021.

16 **110.** Plaintiff was told by officers Rynart and Shirley that the suspension of Ms.
17 Clyne and the subsequent disciplinary action were ordered by an individual “above
18 the Warden”.

19 **111.** The Incident Report was not written until September 16, 2021, 56 days
20 later.

21 **112.** The disciplinary hearing was not held until October 26, 2021, 96 days
22 since the alleged incident.
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1 **113.** Mr. Raniere spent a total of 97 days in the SHU for saying “Send her my
2 love”.

3 **114.** Mr. Brooks – the main actor in the alleged misconduct – only spent 56 days
4 in the SHU.

5 **115.** On information and belief, the USP Tucson Warden intentionally delayed
6 the disciplinary process for the purpose of keeping Mr. Raniere in the SHU as
7 retaliation for exercising his First Amendment rights to challenge his conviction.
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9 **Dr. Danielle Roberts is Banned**

10 **116.** Danielle Roberts was licensed as a physician in New York.

11 **117.** Dr. Roberts knows Plaintiff from her involvement in NXIVM.

12 **118.** Dr. Roberts and Plaintiff have been friends and business partners since
13 November of 2013.

14 **119.** Dr. Roberts supervised the ceremony for some of the women in DOS where
15 they had their skin cauterized or branded with a symbol indicating their
16 commitment to the group.

17 **120.** Dr. Roberts was never charged with any crime for this participation.

18 **121.** In February of 2021, Dr. Roberts spoke to the press and defended her
19 actions as well as Plaintiff.⁴
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21 **122.** On September 29, 2021, New York State revoked Dr. Roberts’ medical
22 license citing her involvement with DOS.
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24 ⁴<https://nypost.com/2021/02/24/nxivm-doctor-defends-branding-sex-cult-members/>

1 **123.** On November 8, 2021, Dr. Roberts publicly posted a response to the
2 revocation of her license.

3 **124.** Dr. Roberts visited Plaintiff regularly from approximately April of 2021
4 until January of 2022.

5 **125.** On January 6, 2022, Dr. Roberts was informed by Defendant USP Tucson
6 Warden that her visitation privileges were revoked.

7 **126.** USP Tucson Warden cited the publicity surrounding the revocation of Dr.
8 Roberts' license, and the Sentencing Memorandum that restricts Plaintiff's contact
9 with members of NXIVM after his release from prison.

10 **127.** On information and belief, the USP Tucson Warden was aware of Dr.
11 Roberts' involvement with NXIVM, but did not take any action to stop her from
12 visiting Plaintiff until after the publicity surrounding the license revocation and
13 Dr. Roberts' defense of her actions.

14 **128.** On information and belief, Dr. Roberts was banned from communicating
15 with Mr. Raniere because her defense of her actions brought attention to the
16 inconsistencies in the case against Mr. Raniere.

17 **129.** On information and belief, the USP Tucson Warden cancelled the visitation
18 as retaliation against Plaintiff for the actions of Dr. Roberts, in violation of
19 Plaintiff's First Amendment rights of Free Speech to challenge his conviction.

20 **Jorge De La Garza – Plaintiff's Mexican Attorney Banned**

21 **130.** Mr. Jorge de la Garza is a licensed Mexican attorney that represents
22 Plaintiff's interests in Mexico, where Plaintiff has a child with partner, Marianna
23

1 Fernandez. He has over 30-years of experience practicing law, and for fifteen
2 years, he has managed US-based law firms in Monterrey, Mexico.

3 **131.** On April 28, 2022, Mr. de la Garza requested a legal call with Plaintiff.

4 **132.** On May 31, 2022, Counselor Daniel Flores directed Mr. de la Garza to mail
5 in a visitation form, which Mr. de la Garza did.

6 **133.** On June 24, 2022, Mr. de la Garza had not heard back and inquired as to the
7 status of his application. Counselor Flores directed Mr. de la Garza to mail another
8 visitation form, now with a copy of Mr. de la Garza's credentials.

9 **134.** On June 28, 2022, Counselor Flores denied having received Mr. de la
10 Garza's mailed documents.

11 **135.** On July 25, 2022, after several email follow-ups, Counselor Daniel Flores
12 confirmed receipt of Mr. de la Garza's documents, including his identification
13 document and license to practice law in Mexico, in application of legal visitation
14 with Mr. Raniere and noted he was "still waiting on guidance and clearance from
15 our legal department."

16 **136.** On July 26, 2022, Counselor Flores notified Mr. de la Garza that he was
17 approved to have a legal call through the Mexican Consulate Office.

18 **137.** On August 1, 2022, Mr. de la Garza applied for visitation, as an attorney
19 working under Tully & Weiss.

20 **138.** On August 7, 2022, Counselor Flores denied visitation between Mr. de la
21 Garza and Plaintiff, stating that the Warden had denied the visit based on the safety
22 and security of the institution.
23
24

1 **139.** On August 12, 2022, Mr. de la Garza appealed the Warden's denial of legal
2 visitation pursuant to 28 C.F.R. § 543.14(d)

3 **The Rule 33 is Filed - BOP Scrubs Plaintiff's Call List**

4 **140.** Aided by the work of Mr. Chakravorty, Plaintiff's criminal defense
5 attorneys hired several waves of experts, culminating in the expert report of Dr. J.
6 Richard Kiper, former FBI Unit Chief and instructor at the FBI Academy, whose
7 conclusion was that, to a scientific certainty, evidence in Mr. Raniere's criminal
8 case had been tampered with, and the evidence planted on a hard drive alleged to
9 belong to Plaintiff.
10

11 **141.** The deadline for filing petitions based on newly-discovered evidence under
12 Rule 33 was June 21, 2022.

13 **142.** For about five months prior to April 28, 2022, Plaintiff's attorneys had
14 weekly calls with Plaintiff.

15 **143.** Some of these calls had connectivity issues, but most were completed
16 successfully.

17 **144.** On April 28, 2022, Plaintiff's criminal defense attorney Joseph M. Tully
18 filed a motion to stay the appeal that was pending with the 2nd Circuit. The motion
19 stated that Plaintiff intended to file for a new trial in the District court based on
20 newly discovered evidence of evidence tampering and perjury.
21

22 **145.** On the same day, Nicole Clyne tweeted about the newly discovered
23 evidence, and it has received approximately two million impressions.
24

1 **146.** On May 3, 2022, Plaintiff’s criminal defense attorney Joseph M. Tully filed
2 the motion pursuant to F.R.Crim.P. 33, requesting relief from the criminal
3 conviction on the grounds of the newly discovered evidence. *U.S. v. Raniere*, Doc.
4 1169.

5 **147.** On May 4, 2022, Plaintiff was on a privileged legal call with attorney
6 Tully, when the call was apparently terminated prematurely, and without warning.

7 **148.** Only moments after the May 4 legal call was interrupted, Plaintiff’s
8 counselor pulled Plaintiff out and instructed Plaintiff to go to an administrator’s
9 office.
10

11 **149.** Within the federal prison system, a counselor is the prison official who has
12 routine, daily contact with federal prisoners. As such, a counselor follows orders
13 from supervisory and management personnel at the prison.

14 **150.** Plaintiff complied with the counselor’s instruction to visit the
15 administrative office.

16 **151.** When he arrived at the administrative office, Acting Special Investigative
17 Agent for the Federal Bureau of Prisons Anthony Gallion was present, and
18 proceeded to ask Plaintiff about certain people on his list of approved people that
19 he could call and receive as visitors. Many of them were attorneys or attorney’s
20 agents like Mr. Chakravorty.
21

22 **152.** On information and belief, Gallion is with the Special Investigative Agency
23 (“SIA”) of the Federal Bureau of Prisons.
24

1 **153.** Defendant Gallion then told Plaintiff that his list of approved callers was
2 being “scrubbed”, that Plaintiff would have to apply to the Unit Manager to have
3 anyone re-approved, and that Mr. Chakravorty was not likely to be re-approved.

4 **154.** At that point, the only way that Mr. Chakravorty could communicate with
5 Plaintiff is if Mr. Chakravorty was on Plaintiff’s approved list of callers. These
6 calls are recorded and monitored by prison personnel, and are not treated as
7 confidential even though Mr. Chakravorty is an agent of Plaintiff’s criminal
8 defense attorney Joseph Tully.
9

10 **155.** Plaintiff asked Gallion why this was being done.

11 **156.** Gallion refused to answer beyond an assertion that there was an
12 investigation.

13 **157.** On May 6, 2022, at 9AM, attorney Joseph Daugherty had a confidential
14 legal call with Plaintiff. Upon information and belief, Defendants interfered and
15 frustrated that legal call by, among other things, causing the phone call to be cut
16 off before Plaintiff and Mr. Daugherty had concluded their conversation.

17 **158.** On June 9, 2022, Defendants USP Tucson Warden, Peters, and Garland
18 justified the restrictions on Mr. Chakravorty as being supported by Mr. Raniere’s
19 conditions of supervised release, and took quotes from recorded conversations
20 between Mr. Chakravorty and Mr. Raniere. Doc. 14, p.2.
21

22 **159.** The quotes from the recorded conversations were used out of context. On
23 information and belief, this was done intentionally in order to misrepresent the
24 content of the conversations.

1 **160.** Defendant USP Tucson Warden removed Mr. Chakravorty from Mr.
2 Ranieri's approved contacts under advice from the Counter Terrorism Unit. Doc.
3 14, p.3.

4 **161.** On June 17, 2022, Mr. Chakravorty requested to be recognized by the BOP
5 as a paralegal to attorney Tully on an urgent basis.

6 **162.** Attorney Clay Cook at USP Tucson denied Mr. Chakravorty's request for a
7 legal visit, stating,

8 28 CFR 543.16(b)(3) and Program Statement 1315.07 at p.
9 19. "The Warden may required each assistant to fill out and
10 sign a personal history statement..." Also, "If necessary to
11 maintain security or good order in the institution, the Warden
12 may prohibit a legal assistant from visiting or corresponding
13 with an inmate." Given Mr. Chakravorty's history of being
14 denied social visitation and social telephone privileges with
15 Mr. Ranieri at two separate BOP institutions, the NCIC form
16 is also being required so that a formal background check can
17 be completed.

18 **163.** On June 17, 2022, the USP Tucson Warden reversed the decision of
19 Attorney Cook and permitted a legal call on the same day, but not a visit.

20 **164.** On June 19, 2022, a second legal call was permitted between Mr.
21 Chakravorty and Mr. Ranieri.

22 **165.** On June 23, 2022, Mr. Chakravorty requested a legal visit with Mr.
23 Ranieri.

24 **166.** On June 24, 2022, the USP Tucson Warden denied the legal visit. The
25 Warden refused to give the reason for the re-reversal.

26 **167.** Mr. Chakravorty continued to request calls or visits with Plaintiff.

1 **168.** The USP Tucson Warden has denied each subsequent request for legal calls
2 or visits made by Mr. Chakravorty.

3 **169.** On information and belief, the USP Tucson Warden is acting arbitrarily and
4 without penological justification for the purpose of interfering with Mr. Raniere's
5 ability to challenge his conviction.

6 **Mr. Raniere is Assaulted in the Chow Hall - 143 Days in the SHU and Counting**

7
8 **170.** In the months leading up to the assault, Mr. Raniere's criminal case
9 received increased publicity.

10 **171.** On May 22, 2022, TNT television released an episode of "The Rich and
11 Shameless" that focused on Mr. Raniere's co-defendant Clare Bronfman and her
12 involvement with NXIVM. On information and belief, this episode was aired at
13 USP Tucson at some point prior to July 26, 2022.

14 **172.** On July 12, 2022, at the 69th Annual Attorney General's Awards,
15 Defendant Garland honored the FBI agents that Plaintiff is accusing of falsifying
16 and tampering with evidence, for their actions in Plaintiff's case.

17 **173.** On July 26, 2022, at approximately 6:50 A.M., Mr. Raniere was in the
18 dining hall at USP Tucson, walking to a table with his breakfast tray when he was
19 assaulted by Inmate Maurice Withers (BOP #10300-090) with a closed fist on Mr.
20 Raniere's head and face.

21 **174.** Mr. Raniere did not fight back.

22 **175.** On information and belief, the incident was captured on video and
23 witnessed by several inmates and staff.
24

1 **176.** Plaintiff has not been permitted to view the video.

2 **177.** Mr. Raniere suffered a black eye, swelling, nausea, and dizziness for over a
3 week.

4 **178.** Mr. Raniere asked for ice packs to help with the pain and swelling but the
5 request was denied.

6 **179.** Mr. Raniere was given a disciplinary ticket for “201 – Fighting with
7 another person.” and sent back to the SHU.

8 **180.** Mr. Raniere is housed with Toni Fly, an intersex prisoner who has a history
9 of being raped repeatedly while incarcerated, and suffers from both homicidal and
10 suicidal ideation.

11 **181.** On information and belief, Mr. Raniere was placed with Ms. Fly
12 intentionally by Defendants as a way to harm him indirectly, because Mr. Raniere
13 is convicted of child sex offenses, and Ms. Fly has been recorded threatening to
14 kill any child sex offender that she can.

15 **182.** On information and belief, the BOP has a history, pattern, and practice of
16 intentionally or negligently allowing high profile inmates to be killed by other
17 inmates using this indirect process. One example is notorious crime boss Whitey
18 Bulger, whose murder was the subject of an official investigation which found,
19 “The fact that these serious deficiencies occurred in connection with a high-profile
20 “
21 “
22 “
23 “
24 “

1 inmate like Bulger was especially concerning, given that the BOP would
2 presumably take particular care in handling such an inmate's case.”⁵

3 **183.** On July 29, 2022, Mr. Raniere had a legal visit with undersigned counsel.

4 **184.** Mr. Raniere was told that he would have to use the non-contact attorney
5 visit room and speak through a phone.

6 **185.** The phone in the non-contact attorney visit room did not function.

7 **186.** The staff were able to get clearance for Mr. Raniere to use the regular
8 attorney visit room with handcuffs, a belly chain, and leg irons on during the visit.

9 **187.** On August 5, 2022, Mr. Raniere had another legal visit with undersigned
10 counsel.

11 **188.** The visit was initially scheduled for 8:30 A.M., but was rescheduled at the
12 last minute to 9:30 A.M.

13 **189.** When undersigned arrived, the staff insisted on using the non-contact room
14 again.

15 **190.** When the same problem occurred with the phone system, it took an hour
16 for the staff to obtain approval. As a result, the legal visit lasted only one hour
17 instead of two.

18 **191.** The justification given for the restrictions was the fact that Mr. Raniere was
19 housed in the SHU pending investigation of his disciplinary ticket for fighting.
20

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⁵<https://www.cbsnews.com/news/whitey-bulger-death-justice-department-inspector-general-report/> Accessed 12/15/2022

1 **192.** On information and belief, the USP Tucson Warden is aware that Mr.
2 Raniere was the victim of an assault and not a combatant.

3 **193.** On information and belief, the USP Tucson Warden is following a pattern
4 of retaliation for Plaintiff exercising his constitutional rights to challenge his
5 criminal conviction and express his sincerely held beliefs, supported by credible
6 evidence, that his conviction was the result of government corruption.

7 **194.** On August 9, 2022, Officer Estrada told Plaintiff that the ticket would be
8 expunged.

9 **195.** On August 23, 2022, the disciplinary ticket was dismissed.

10 **196.** On August 26, 2022, Plaintiff was approved by the SIS Lt., the DHO, and
11 SHU Lt. to return to general population with no security concerns.

12 **197.** On September 5, 2022, Plaintiff had a legal visit with undersigned counsel.
13 Plaintiff was still forced to wear painful handcuffs and belly chains for the visit.

14 **198.** On September 8, 2022, the Warden, SIA and other officers took Plaintiff
15 and his cellmate into a holding cell. Within the holding cell were 3 x 3 cages with
16 small wooden benches. Plaintiff and cellmate were locked in a cage and left
17 handcuffed for 45-60 minutes. The room was contaminated with feces, with two
18 piles on the floor and 19 streaks on the wall. Plaintiff and cellmate remained in
19 this room for approximately 5 hours. During that time, they were forced to eat
20 lunch in the room. They were visited by members of the Psychology staff,
21 including Doctors Hermosillo and Poleski. Upon information and belief, security
22 staff including officers Lee-Trajo, Francis, and Cosme observed the conditions.
23
24

1 **199.** Upon information and belief, this was further retaliation against Plaintiff
2 and possibly an attempt to incite his cellmate, Toni Fly, to harm Mr. Raniere.

3 **200.** On September 20, 2022, Mr. Raniere was interviewed regarding returning
4 him to general population, where he was before the chow-hall assault. He was not
5 allowed to return to general population and a new investigation was allegedly
6 initiated regarding his safety.

7 **201.** On October 13, 2022, a group of respected professionals including attorney
8 Alan Dershowitz held a press conference in support of Mr. Raniere’s Rule 33
9 petition.⁶

10 **202.** On Monday, October 24, 2022, Plaintiff had a legal visit with undersigned
11 and attorney Greg Stoltz.

12 **203.** Mr. Raniere was escorted to the visit by his counselor.

13 **204.** The counselor told Mr. Raniere that he had too many legal calls and visits.

14 **205.** On Tuesday, November 1, 2022, Plaintiff had a legal visit with
15 undersigned.

16 **206.** The counselor told Mr. Raniere that USP Tucson did not have enough staff
17 to accommodate Plaintiff’s legal needs.

18 **207.** On November 6, 2022, Plaintiff’s counselor, Daniel Flores, responded to
19 undersigned regarding a legal visit, “Due to other appointments and calls, I will
20 not be able to accommodate a visit this week.”
21
22

23
24 ⁶ <https://twitter.com/alandersh/status/1580670651039244288>. Accessed 11/3/2022.

1 **208.** On November 8, 2022, Mr. Flores emailed undersigned that he could
2 accommodate a visit on November 14, 2022.

3 **209.** On November 14, 2022, as undersigned was driving to the prison for a visit
4 with Plaintiff, Mr. Flores emailed,

5 Due to unforeseen events at FCC Tucson your visitation with
6 inmate Raniere has to be rescheduled for a different date. I
7 will notify your office once the institution is back to normal
8 operations. Thank you in advance.

9 **210.** On November 14, 2022, a prisoner at the prison camp across the road from
10 Mr. Raniere was able to obtain a firearm, prompting the entire complex to be shut
11 down.

12 **211.** Local news commented, “The Bureau of Prisons has been plagued by
13 chronic mismanagement, misconduct and a severe staffing crisis. A new director
14 was brought on earlier this year as Justice Department officials attempt to reform
15 the agency.”⁷

16 **212.** Since November 14, 2022, Mr. Raniere has not been permitted any legal
17 visits.

18 **213.** On information and belief, Mr. Raniere is being singled-out, and other
19 prisoners in the same institution are receiving attorney visits.

23 ⁷[https://tucson.com/news/local/crime-and-courts/federal-inmate-tried-to-shoot-visitor-at-](https://tucson.com/news/local/crime-and-courts/federal-inmate-tried-to-shoot-visitor-at-tucson-prison-camp/article_7deb898a-6475-11ed-8af5-6bcf452be75b.html)
24 [tucson-prison-camp/article_7deb898a-6475-11ed-8af5-6bcf452be75b.html](https://tucson.com/news/local/crime-and-courts/federal-inmate-tried-to-shoot-visitor-at-tucson-prison-camp/article_7deb898a-6475-11ed-8af5-6bcf452be75b.html) Accessed
12/16/2022

1 **214.** On December 13, 2022, Toni Fly was not given her medication and acted
2 out violently, kicking the cell door and yelling about wanting to kill someone and
3 then kill herself.

4 **215.** On December 14, 2022, undersigned had a legal call with Mr. Raniere. This
5 was the first contact with Mr. Raniere since November 1, 2022.

6 **216.** Mr. Raniere is still in the SHU, despite being exonerated of any
7 wrongdoing and is subject to the same punitive conditions as those prisoners who
8 are in the SHU as punishment.

9 **217.** According to BOP Program Statement 5270.11 regarding SHU conditions,
10 Mr. Raniere's placement was supposed to be reviewed every 5 days, and a hearing
11 held every 30 days. 28 C.F.R. § 541. These reviews have not occurred.

12 **218.** On information and belief, Defendant Peters, or whoever the Director of the
13 BOP was at the relevant time, is aware that federal prison wardens retaliate against
14 individual prisoners based on personal animus and not supported by any legitimate
15 penological purpose but fails to take action to prevent it, and perpetuated the
16 policy and practice.

17
18 **COUNT I**

19
20 **Unlawful Frustration and Interference with First Amendment Access to the Courts**

21 **219.** Plaintiff is neither a lawyer nor trained in the law. The First Amendment
22 right of access to the courts includes with it a reasonable opportunity to
23 communicate in a contemporaneous manner with his lawyers.

222. Under this Count, Plaintiff seeks reasonable access to communicate with his attorneys and their agents, both in person and using contemporaneous telephonic methods, subject only to modest limitations that have a reasonable relationship to legitimate penological interests.

Retaliation Based on Rights Protected Under the First Amendment

225. Prior to May 2, 2021, Plaintiff exercised his First Amendment rights by communicating with Mr. Chakravorty in visits for the purpose of expressing his wishes regarding his finances, legal affairs, and the conditions of confinement.

1 **226.** On information and belief, Plaintiff's right to communicate with Mr.
2 Chakravorty was denied as retaliation for exercising his First Amendment rights.

3 **227.** Prior to July 24, 2021, Plaintiff exercised his First Amendment rights by
4 communicating with Ms. Clyne in visits and over the phone for the purpose of
5 expressing his thoughts about his criminal case and conditions of confinement.

6 **228.** On information and belief, Plaintiff's right to communicate with Ms. Clyne
7 was denied as retaliation for exercising his First Amendment rights.

8 **229.** Plaintiff exercised his First Amendment rights by communicating with Dr.
9 Roberts in visits and over the phone for the purpose of expressing his thoughts
10 about his criminal case and conditions of confinement.

11 **230.** On information and belief, Plaintiff's right to communicate with Dr.
12 Roberts was denied as retaliation for exercising his First Amendment rights.

13 **231.** Prior to May 3, 2022, Plaintiff exercised his First Amendment right by
14 communicating with his criminal defense attorneys and their agents for the express
15 purposes of assisting them in preparing a timely Rule 33 petition in the federal
16 court, asserting that newly discovered evidence justified the granting of a new trial
17 in his underlying criminal prosecution.

18 **232.** Less than 24 hours after Plaintiff's criminal defense attorney filed the Rule
19 33 petition, Defendants substantially, and in a non-frivolous manner, frustrated and
20 impeded Plaintiff's ongoing ability to assist his criminal defense attorney by
21 scrubbing his contact list of his contacts, including power-of-attorney Suneel
22 Chakravorty.
23
24

1 **233.** The short time between when Plaintiff exercised his First Amendment right
2 to access the courts by filing an important petition in the federal courts on May 3,
3 2022 and the adverse action of Defendants in threatening him with this violative
4 action raises a substantial likelihood that Defendants actions were retaliatory.

5 **234.** Plaintiff is entitled to declaratory relief and injunctive relief under this
6 Count. The injunctive relief that Plaintiff seeks is merely to maintain the status quo
7 ante.

8
9 **COUNT III**

10 **Sixth Amendment Interference With Representation By Counsel**

11 **235.** Plaintiff is a criminal defendant.

12 **236.** Defendants have deliberately interfered with the confidential relationship
13 between Plaintiff and his criminal defense counsel by denying calls and visits.

14 **237.** On information and belief, Defendants do not intend to give Plaintiff
15 enough contact with his attorneys to meet his legal needs.

16 **238.** The interference substantially prejudices the Plaintiff by denying Plaintiff
17 the ability to timely communicate with his counsel during the time that his Rule 33
18 petition is pending.

19 **239.** On information and belief, this interference is not isolated, but rather part of
20 a pattern and practice of interference intended to deprive Plaintiff of effective
21 assistance of counsel.
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REQUEST FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests that this Court:

A. Issue a preliminary injunction to preserve the status quo, to include restraining Defendants, their employees, successors, and agents, from:

1. Prohibiting, preventing, restricting, impeding, and/or obstructing Plaintiff from communicating with his attorneys using contemporaneous telephonic communications technologies, subject only to modest limitations that are reasonably related to legitimate penological interests of Defendants;

2. Prohibiting, preventing, restricting, impeding, and/or obstructing Plaintiff from visiting in-person with his attorneys at the federal prison facility where he is currently housed, subject only to modest limitations that are reasonably related to legitimate penological interests of Defendants;

3. Prohibiting, preventing, restricting, impeding, and/or obstructing Plaintiff from communicating with the employees and agents of his attorneys using contemporaneous telephonic communications technologies, subject only to modest limitations that are reasonably related to legitimate penological interests of Defendants;

4. Engaging in other behavior that amounts to a non-frivolous frustration or interference with his First Amendment right to access the courts for the purpose of collaterally attacking his conviction and sentence;

B. Enter a judgment declaring that:

1 1. This court retains equitable powers to issue injunctions intended to maintain the
2 status quo pending administrative exhaustion, regardless of the requirements
3 imposed by 42 U.S.C. 1997e;

4 2. Defendants have violated Plaintiff's rights under the First Amendment;

5 3. Plaintiff is entitled under the First Amendment to communicate with his
6 attorneys and his attorneys' employees, both in-person and using contemporaneous
7 telephonic communications, for the purpose of discussing legal matters aimed at
8 attacking his criminal sentence, and subject only to limited restrictions that are
9 reasonably related to penological interests.
10

11 C. Attorneys' fees and costs accrued in bringing this action;

12 D. Such other relief as this court deems just and proper.
13

14 DATED this 16th day of December, 2022 by

15 /s/Stacy Scheff
16 STACY SCHEFF
17 Attorney for Plaintiff
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